

## **PUBLIC NOTICE**

McCracken County

Tentative Approvals of Hazardous Waste Permit Modification, Closure Plan for Container Storage Areas and Extension of Milestones for the Site Treatment Plan  
US Department of Energy – Paducah Gaseous Diffusion Plant  
EPA I.D. #: KY8-890-008-982

The Environmental and Public Protection Cabinet's (Cabinet) Division of Waste Management, has tentatively decided to approve the following actions at the US Department of Energy – Paducah Gaseous Diffusion Plant (DOE). The facility is located at 5600 Hobbs Road in West Paducah, McCracken County, Kentucky. The DOE site contact is Reinhard Knerr at 270-441-6825.

- 1) A major modification of the facility hazardous waste permit to reflect the scheduled change of facility operator from the US Department of Energy and Bechtel Jacobs Company LLC to the US Department of Energy and Paducah Remediation Services LLC. The draft permit modification and related attachments to the permit reflect this change.
- 2) Approval of a closure plan for multiple container storage areas known as DOE Material Storage Areas.
- 3) Approval of an extension for certain milestones in the Site Treatment Plan.

Additionally, the United States Environmental Protection Agency (US EPA) has prepared a draft Hazardous and Solid Waste Amendments (HSWA) permit for the facility.

**Why is DOE changing Operators at the PGDP?** The U.S. Department of Energy awarded a small business contract to Paducah Remediation Services, LLC (PRS) on December 27, 2005. PRS is responsible for the performance of environmental remediation and waste management activities at the DOE's Paducah Gaseous Diffusion Plant in Paducah, Ky. The contract, awarded as a result of a competition, will run through September 30, 2009 and provides incentives to the contractor for managing costs effectively while completing the cleanup work on schedule. Paducah Remediation Services, LLC will be responsible for groundwater and soil remedial actions, removing legacy waste, decontamination and decommissioning of certain inactive facilities, operating the site waste storage facilities, surveillance and maintenance activities, and other activities. Following a transition period, PRS will take over from Bechtel Jacobs Company LLC, whose contract expires April 23, 2006.

**Why is DOE closing container storage areas?** In October 2003, DOE and the Cabinet entered into an Agreed Order to resolve hazardous waste violations at the Paducah Gaseous Diffusion Plant (PGDP). The Agreed Order establishes a schedule for DOE to complete characterization of 160 storage areas at the PGDP. The storage areas, which DOE refers to as DOE Material Storage Areas (DMSAs) were the subject of a December 31, 1996 modification to the lease agreement between DOE and the United States Enrichment Corporation (USEC) for the operating portion of the PGDP. The modification to the lease removed these areas from USEC's lease with DOE. The Agreed Order requires DOE, after completion of characterization in each storage area, to submit a closure plan if any hazardous waste is discovered. DOE completed characterization in several of the DMSAs in 2004, and 12 closure plans were tentatively

approved by the Cabinet and made available for public review at that time. The closure plan the Cabinet is tentatively approving with this notice covers the remaining DMSAs. DOE began characterization of the DMSAs in 2001 and has discovered hazardous wastes in many of the storage areas. As described in the 12 closure plans and the closure plan for the remaining DMSAs, DOE has promptly removed the hazardous wastes, upon discovery, to permitted storage areas at the plant. DOE is also proceeding with proper disposition of the wastes. Examples of the hazardous wastes discovered and removed from the storage areas are: light bulbs, fuses, fluorescent light starters, capacitors, circuit boards, waste oil and kerosene. DOE and the Cabinet have not found evidence of a release of hazardous waste or hazardous waste constituents in any of the storage areas. The final characterization of all DMSAs is scheduled for 2009 followed by the completion of any remaining closure activities.

**Why are extensions necessary for the Site Treatment Plan milestones?** The DOE is required by Section 3021(b) of the Resource Conservation and Recovery Act (RCRA), and the Federal Facility Compliance Act (FFC Act), to prepare Site Treatment Plans (STPs) describing the development of the treatment capacities and technologies for treating mixed waste, defined by the FFC Act as waste containing both a hazardous waste subject to RCRA, and a source, special nuclear or by-product material, subject to the Atomic Energy Act of 1954. On April 3, 1995, DOE/PDGP submitted a proposed STP to the Kentucky Natural Resources and Environmental Protection Cabinet. An Agreed Order (DWM-30039-042) and the STP became effective September 10, 1997. The Agreed Order calls for public notice of any extensions to schedules beyond 90 days, as is the case with this extension. DOE is requesting an extension to milestones associated with completing waste treatment at the TSCA Incinerator at Oak Ridge, Tennessee, and at various commercial facilities. This extension is requested because of the treatment facilities' limited capacity to accept and treat the subject waste by the original milestones and to allow the site time to resolve operational issues to ensure safe and compliant shipments.

**Why has US EPA prepared a draft permit for this facility?** The issuance of a complete RCRA Hazardous Waste Permit to U.S. Department of Energy and Paducah Remediation Services LLC will be coordinated by both the EPA and the Commonwealth of Kentucky. The portion of the RCRA Permit issued by the Commonwealth of Kentucky will cover those portions of RCRA, including HSWA provisions, for which it has final authorization to administer. Consequently, the federal portion of the RCRA Permit will address those provisions which the state has not received final authorization to administer. If the State portion of the RCRA Permit is written to include those conditions contained in the federal permit, then the State may assume administration for those requirements contained in the federal portion of the RCRA Permit upon receiving final authorization for those provisions.

**How can I tell the KY Division of Waste Management or EPA what I think about this tentative approval?**

The Cabinet and EPA encourage public involvement and welcomes comments. Anyone wishing to comment on this tentative decision should submit comments to the Cabinet on or before **April 4, 2006**, the close of the public comment period. Requests for a public hearing should be submitted by March 22, 2006. Comments or a request for a public hearing may be submitted electronically to [nicole.burpo@ky.gov](mailto:nicole.burpo@ky.gov); or mailed to: April Webb, P.E., Manager, Hazardous Waste Branch, Division of Waste Management, 14 Reilly Road, Frankfort, KY 40601.

Comments regarding the federal RCRA permit should be sent to the Environmental Protection Agency, ATTENTION: Mr. Jon D. Johnston, Chief, RCRA Programs Branch, Waste Management Division, at 61 Forsyth Street, S.W., Atlanta, Georgia, 30303.

A **public hearing** addressing these proposed actions is tentatively scheduled to be held on **Tuesday, March 28, 2006, starting at 7:00 PM at the Heath Middle School cafeteria**, 4336 Metropolis Lake Road, West Paducah, KY, provided there is a request for a hearing. If there are no requests for a hearing, the hearing will be cancelled and a notice of cancellation will be published in the **Sunday March 26, 2006** edition of *The Paducah Sun*. The public comment period will expire on **April 4, 2006**.

The Cabinet will designate a presiding officer to conduct the hearing. Individuals are encouraged to present oral or written statements and data concerning the tentative decision. Reasonable limits may be set upon the time allowed for oral statements.

**Where can I review the documents used to make this tentative decision?**

**McCracken County Public Library**, 555 Washington Street in Paducah. The library contact person is Marie Liang (270) 442-2510.

**Division of Waste Management**, 14 Reilly Road, Frankfort, KY 40601, ATTN: Maria Wood. Contact Ms. Wood by writing to her at the above address or by calling (502) 564-6716, ext. 636, or by fax, (502) 564-9232.

**DOE, Environmental Information Center**, 115 Memorial Drive, Barkley Center, Paducah, KY 42001, ATTN: Elizabeth Austin (270) 554-6979

**What will the KY Division of Waste Management do with the comments they receive?**

The Cabinet will consider all comments, received by the close of the public comment period, in making a final decision. Anyone submitting comments will be mailed a “response to public comments” document specifying any changes made or not made (with the reasons why) as a result of the comment(s) submitted.

The Cabinet does not discriminate on the basis of race, color, national origin, sex, religion, age, or disability in the provision of services. When requested, the Cabinet provides reasonable accommodations for a public hearing (such as an interpreter) or alternate formats for printed information. Contact Nicole Burpo at (502) 564-6716, ext. 244 for assistance.